

METROPOLITAN AREA PLANNING COMMISSION

MINUTES

November 8, 2001

The regular meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission was held on Thursday, November 8, 2001 at 1:00 p.m., in the Planning Department Conference Room, 10th floor, City Hall, 455 North Main, Wichita, Kansas. The following members were present: Jerry Michaelis, Acting Chair; Ron Marnell; Dorman Blake; Kerry Coulter (late arrival); Bill Johnson; Ray Warren; Don Anderson; Frank Garofalo; James Barfield (late arrival); Elizabeth Bishop (late arrival); Bud Hentzen. John W. McKay, Jr., David Wells; and Harold Warner were not present. Staff members present were Marvin S. Krout, Secretary; Dale Miller, Assistant Secretary; Donna Goltry, Principal Planner; Scott Knebel, Senior Planner; Bill Longnecker, Senior Planner; Neil Strahl, Senior Planner; and Valerie Robinson, Recording Secretary.

1. Approval of the MAPC minutes for September 20, 2001 and October 11, 2001.

MOTION: That the minutes for September 20, 2001 and October 11, 2001 be approved.

WARREN moved, **BLAKE** seconded the motion, and it carried unanimously (8-0).

2A. Items 2A-1 to 2A-8 and 2B-9 to 2B-13 may be taken in one motion unless there are questions or comments.

2A-4. was pulled for further discussion.

MOTION: To approve items 2A-1, 2A-2, 2A-5 through 2A-8, 2B-9 through 2B-11.

HENTZEN moved, **GAROFALO** seconded the motion, and it carried unanimously (9-0).

2B. Consideration of Subdivision Committee recommendations from the meeting of November 1, 2001.

MOTION: To approve.

HENTZEN moved, **GAROFALO** seconded the motion, and it carried unanimously (8-0).

2A -1 SUB2001-93 – Final Plat of RIDGE PORT SECOND ADDITION, located on the west side of Ridge Road, north of 29th Street North.

- A. Since neither municipal water nor sanitary sewer is available to serve this property, the applicant shall contact the Environmental Health Division of the Health Department to find out what tests may be necessary and what standards are to be met for approval of on-site sewerage facilities and water wells. A memorandum shall be obtained specifying approval. Standard soil testing is required.
- B. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning department for recording.
- C. County Engineering needs to comment on the status of the applicant's drainage plan. County Engineering requests information on potential terrace on east side of the plat and waterway to the north. A letter from the adjoining property owner should also be obtained regarding removal of the terrace.
- D. County Engineering needs to comment on the access controls. The plat proposes one access opening along 231st St. West. The access controls are approved.
- E. If platted, the building setback may be reduced to 30 feet.
- F. The utility easement along the north property line should be widened appropriately to protect existing tree rows from damage. The applicant will relocate the utility easement.
- G. MAPD requests a 35-ft contingent dedication of right-of-way along the south property line to provide for potential street connections to adjoining undeveloped property.
- H. The Applicant is reminded that a platting binder is required with the final plat. Approval of this plat will be subject to submittal of this binder and any relevant conditions found by such a review.
- I. The plat's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.
- J. The applicant shall install or guarantee the installation of all utilities and facilities which are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per

the direction and approval of the Chief of the Fire Department.)

- K. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.
- L. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (Phone 316-729-0102) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- M. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- N. The owner of the subdivision should be aware of the fact that the development of any subdivision greater than five (5) acres in size may require an NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Further, on all construction sites, the City of Wichita requires that best management practices be used to reduce pollutant loadings in storm water runoffs.
- O. Perimeter closure computations shall be submitted with the final plat tracing.
- P. Recording of the plat within thirty (30) days after approval by the City Council and/or County Commission.
- Q. The representatives from the utility companies should be prepared to comment on the need for any additional utility easements to be platted on this property.
- R. The applicant is reminded that a disk shall be submitted with the final plat tracing to the Planning Department detailing this plat in digital format in AutoCAD. This will be used by the City and County GIS Department.

MOTION: To approve items 2A-1, 2A-2, 2A-5 through 2A-8, 2B-9 through 2B-11.

HENTZEN moved, **GAROFALO** seconded the motion, and it carried unanimously (9-0).

2A-2. SUB2001-80 – Final Plat of NORTH VALLEY FARMS SECOND ADDITION, located north of 117th Street North, west of Meridian.

- A. Since neither municipal water nor sanitary sewer is available to serve this property, the applicant shall contact the Environmental Health Division of the Health Department to find out what tests may be necessary and what standards are to be met for approval of on-site sewerage facilities and water wells. A memorandum shall be obtained specifying approval. Health Department should comment on the floodway reserve constraints impacting on the buildable area. A restrictive covenant will be needed to address required twin lagoons for Block 3.
- B. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning department for recording.
- C. County Engineering needs to comment on the status of the applicant's drainage plan. A HEC 2 Run and Master Lot Grading Plan are required.
- D. The applicant shall guarantee the installation of the proposed streets to the 36-ft rock standard. The guarantee shall include the elimination of the existing cul-de-sac at the terminus of North Valley Road.
- E. County Fire Department has advised that the streets need to be installed and approved prior to any construction being permitted or building permits being issued.
- F. The length of the internal street is approximately 2,250 feet (measured from Meridian), exceeding the 1,200-ft limitation of the Subdivision Regulations. Approval of the plat will require a modification. A modification has been approved by the Subdivision Committee.
- G. Access drives to structures in excess of 150 feet from the edge of the road are to be installed by the owner/builder and accepted by the fire department prior to the issuance of the building permit. Said drives are to be installed according to fire department specifications (20 feet wide with applicable turnaround with an all-weather surface able to withstand the weight of heavy apparatus in inclement weather).
- H. Approval of this plat will require a waiver of the lot depth to width ratio of the Subdivision Regulations for Lots 1 through 6, Block 3. The Subdivision Regulations state that the maximum depth of all residential lots shall not exceed 2.5 times the width. A modification has been approved.
- I. The County Fire Department/GIS needs to comment on the plat's street names. The street names are approved.
- J. The signature line for the County Clerk needs to be revised to reference "Don Brace".
- K. The MAPC signature block needs to reference "J.D. Michaelis, Chair".

- L. The applicant shall submit a copy of the instrument which establishes the pipeline easements on the property, which verifies that the easements shown are sufficient and that utilities may be located adjacent to and within the easements.
- M. The applicant's agent shall determine any setback requirements for the pipelines by researching the text of the pipeline agreements. If a setback from the pipeline easements is provided for in the pipeline easement agreements, it shall be indicated on the face of the plat.
- N. The recording information for all pipeline easements shall be indicated on the face of the plat.
- O. The Applicant is reminded that a platting binder is required with the final plat. Approval of this plat will be subject to submittal of this binder and any relevant conditions found by such a review.
- P. The plat's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.
- Q. The applicant shall install or guarantee the installation of all utilities and facilities which are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- R. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.
- S. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (Phone 316-946-4556) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- T. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- U. The owner of the subdivision should be aware of the fact that the development of any subdivision greater than five (5) acres in size may require an NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Further, on all construction sites, the City of Wichita requires that best management practices be used to reduce pollutant loadings in storm water runoffs.
- V. Perimeter closure computations shall be submitted with the final plat tracing.
- W. Recording of the plat within thirty (30) days after approval by the City Council and/or County Commission.
- X. The representatives from the utility companies should be prepared to comment on the need for any additional utility easements to be platted on this property. KGE has requested additional easements.
- Y. The applicant is reminded that a disk shall be submitted with the final plat tracing to the Planning Department detailing this plat in digital format in AutoCAD. This will be used by the City and County GIS Department

MOTION: To approve items 2A-1, 2A-2, 2A-5 through 2A-8, 2B-9 through 2B-11.

HENTZEN moved, **GAROFALO** seconded the motion, and it carried unanimously (9-0).

2A-3. SUB2001-101 – One-Step Final Plat of ERNEST JORDAN ADDITION, located south of Maple, west of Hoover.

- A. City Engineering needs to comment on the need for guarantees or easements. The Applicant shall provide guarantees for sewer and water extension. A 10-ft utility easement is needed along the north property line.
- B. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- C. City Engineering needs to comment on the status of the applicant's drainage plan. The drainage plan is approved.
- D. Traffic Engineering needs to comment on the access controls. The plat proposes three access openings along Julia and one opening along Taft. Distances should be shown for all segments of access control. Traffic Engineering and MAPD recommend one opening along both Julia and Taft, with 150 feet of complete access control from the intersection of Taft and Julia.
- E. The applicant shall guarantee the paving of Brummet and University Avenue. In the event a valid paving petition cannot be obtained for Brummet, a No Protest Petition for paving will be needed.
- F. Traffic Engineering needs to comment on the need for additional right-of-way for Taft or Julia, both of which are designated as collectors. The plat's text shall note the dedication of the streets to and for the use of the public. The applicant shall dedicate an additional 5 feet of right-of-way for Taft.

- G. In accordance with the Sidewalk Ordinance, as a commercial subdivision abutting a non-arterial street, a sidewalk shall be constructed along perimeter streets.
- H. This property is within a zone identified by the City Engineers' office as likely to have groundwater at some or all times within 10 feet of the ground surface elevation. Building with specially engineered foundations or with the lowest floor opening above groundwater is recommended, and owners seeking building permits on this property will be similarly advised. More detailed information on recorded groundwater elevations in the vicinity of this property is available in the City Engineers' office.
- I. The applicant shall submit an avigational easement covering all of the subject plat and a restrictive covenant assuring that adequate construction methods will be used to minimize the effects of noise pollution in the habitable structures constructed on subject property.
- J. A Protective Overlay Certificate shall be submitted to MAPD prior to City Council consideration, identifying the approved Protective Overlay (referenced as P-O #82) and its special conditions for development on this property.
- K. On the final plat, the MAPC signature block needs to reference "J.D. Michaelis, Chair".
- L. The setback along the west property line needs to be increased to 15 feet to conform with a screening condition of the Protective Overlay.
- M. The Applicant is reminded that a platting binder is required with the final plat. Approval of this plat will be subject to submittal of this binder and any relevant conditions found by such a review.
- N. The platlor's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights -of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.
- O. The applicant shall install or guarantee the installation of all utilities and facilities which are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- P. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.
- Q. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (Phone 316-946-4556) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- R. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- S. The owner of the subdivision should be aware of the fact that the development of any subdivision greater than five (5) acres in size may require an NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Further, on all construction sites, the City of Wichita requires that best management practices be used to reduce pollutant loadings in storm water runoffs.
- T. Perimeter closure computations shall be submitted with the final plat tracing.
- U. Recording of the plat within thirty (30) days after approval by the City Council and/or County Commission.
- V. The representatives from the utility companies should be prepared to comment on the need for any additional utility easements to be platted on this property. Southwestern Bell has requested additional easements.
- W. The applicant is reminded that a disk shall be submitted with the final plat tracing to the Planning Department detailing this plat in digital format in AutoCAD. This will be used by the City and County GIS Department.

MOTION: To approve.

HENTZEN moved, **GAROFALO** seconded the motion, and it carried unanimously (9-0).

2A-4. SUB2001-104 – One-Step Final Plat of HAN DIEC ADDITION, located north of Kellogg, on the west side of Greenwich Road.

- A. City Engineering needs to comment on the need for guarantees or easements. No guarantees are needed.
- B. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.

- C. City Engineering needs to comment on the status of the applicant's drainage plan. The drainage plan is approved.
- D. The plat proposes one access opening along Greenwich. Traffic Engineering needs to comment on the access controls. Traffic Engineering and MAPD have recommended access control except for one joint opening with the abutting lot to the south. The Subdivision Committee has permitted one access opening to be located 150 feet from the opening for the abutting property to the north.
- E. The applicant shall guarantee the closure of any driveway openings located in areas of complete access control or that exceed the number of allowed openings.
- F. On the final plat, the MAPC signature block needs to reference "J.D. Michaelis, Chair".
- G. The Applicant is advised that if platted, the building setback may be reduced to 20 feet.
- H. The Applicant is reminded that a platting binder is required with the final plat. Approval of this plat will be subject to submittal of this binder and any relevant conditions found by such a review.
- I. The platting text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.
- J. The applicant shall install or guarantee the installation of all utilities and facilities which are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- K. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.
- L. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (Phone 316-946-4556) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- M. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- N. The owner of the subdivision should be aware of the fact that the development of any subdivision greater than five (5) acres in size may require an NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Further, on all construction sites, the City of Wichita requires that best management practices be used to reduce pollutant loadings in storm water runoffs.
- O. Perimeter closure computations shall be submitted with the final plat tracing.
- P. Recording of the plat within thirty (30) days after approval by the City Council and/or County Commission.
- Q. The representatives from the utility companies should be prepared to comment on the need for any additional utility easements to be platted on this property. Southwestern Bell has requested additional easements.
- R. The applicant is reminded that a disk shall be submitted with the final plat tracing to the Planning Department detailing this plat in digital format in AutoCAD. This will be used by the City and County GIS Department.

NEIL STRAHL, Planning Staff, noted the issue to be discussed was access control along Greenwich. The site under consideration has one driveway located at the northern end of the site. The applicant hoped to acquire the right to use the southern drive at some point in the future, but at this point in time, the applicant only has the northern drive to provide access to his site. In the event that the applicant was able to obtain use of the southern driveway, staff wanted the northern access point to be a temporary access point instead of a permanent access point as recommended by the Subdivision Committee.

JAMES JOHNSON, Planning Staff, presented staff's position regarding the northern access point, noting that the distance between the applicant's northern drive and another access point located further north on Raytheon property did not meet recommended minimum spacing standards.

COMMISSIONERS asked a number of questions dealing with: ownership of the property containing the various access points; what information was made available to the Subdivision Committee; and distances between existing access points.

PHIL MEYER, agent, described existing access easement locations and driveway locations. He asked the Commission to allow them to leave the existing northern drive in its present location.

WARREN asked if the south drive is obtained, could the north drive be a right-in/right-out only drive?

MEYER stated they wanted a full movement drive, but that could be a compromise solution.

WARREN asked about the volume of traffic on Waterman as it intersects Greenwich.

GAROFALO asked what the use of the applicant's property was to be?

MEYER said a retail strip center.

BISHOP asked if it would be possible to move the northern drive further north to create an intersection with Waterman?

MEYER said they would move it north, but wondered if staff would approve it as it was moving the drive closer to the Raytheon driveway and further reducing the spacing between the two drives.

BILL MCKINLEY, traffic engineer for the applicant, stated a concern for access from the applicant's property when Raytheon and the Palace Theater change shifts and shows. He restated they want to keep the existing drive as it is today.

JAMSHEED MEHTA, Planning staff, clarified that the 150-foot minimum distance between drives is a minimum recommended distance. They have 145 feet between the two northern drives today.

WARREN made a motion to approve the plat subject to the Subdivision Committee's recommendation except that the north drive is to be converted to right-in/right-out access, if access is obtained to the south. **MARNELL** seconded.

MICHAELIS asked if the right-in/right-out requirement was necessary?

BILL MCKINLEY stated it was not necessary. There was a general discussion regarding desired distances between driveways; desired distances between driveways and offsetting streets; and what to do when distances between existing drives and street intersections don't meet recommended standards. Substitute motion by

HENTZEN moved, **BLAKE** seconded to approve as recommended by the Subdivision Committee.

MARNELL spoke in favor of the first motion stating they have a responsibility to protect the driving public.

HENTZEN felt the property owner was in a tough position as he felt they were taking away access to the property.

MOTION: Vote on the substitute motion.

HENTZEN moved, **BLAKE** seconded the motion, and it carried unanimously (6-4-1) **MARNELL, JOHNSON, GAROFALO, BISHOP**, voted against, **COULTER** abstained.

2A-5. SUB2001-106 – One-Step Final Plat of CHURCH OF THE MAGDALEN SECOND ADDITION, located on the northwest corner of 21st Street North and 127th Street East.

- A. Existing petitions for extensions of sewer and water have been submitted with the Church of the Magdalen Addition. No other guarantees are required.
- B. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning department for recording.
- C. City/County Engineering needs to comment on the status of the applicant's drainage plan. County Engineering has requested the final drainage plan for review to determine impact upon 21st St. right-of-way.
- D. County/Traffic Engineering needs to comment on the access controls. The plat proposes two access openings along 21st St. North and two access openings along 127th St. East. The access controls are approved.
- E. As part of the approval of the Church of the Magdalen Addition, the Applicant provided a guarantee for the construction of a left turn bay on 21st Street and the construction of a paved road to County standards on 127th St. East along the plat's frontage.
- F. Provisions shall be made for ownership and maintenance of the proposed reserves. For those reserves being platted for drainage purposes, the required covenant which provides for ownership and maintenance of the reserves shall grant, to the City, the authority to maintain the drainage reserves in the event the owner(s) fail to do so. The covenant shall provide for the cost of such maintenance to be charged back to the owner(s) by the governing body.
- G. For those reserves being platted for drainage purposes, the required covenant which provides for ownership and maintenance of the reserves shall grant, to the City, the authority to maintain the drainage reserves in the event the owner(s) fail to do so. The covenant shall provide for the cost of such maintenance to be charged back to the owner(s) by the governing body.
- H. The building setback line associated with the pipeline along 127th St. needs to be labeled as a "pipeline" setback.
- I. The plat's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.
- J. The applicant shall install or guarantee the installation of all utilities and facilities which are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)

- K. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.
- L. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (Phone 316-729-0102) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- M. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- N. The owner of the subdivision should be aware of the fact that the development of any subdivision greater than five (5) acres in size may require an NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Further, on all construction sites, the City of Wichita requires that best management practices be used to reduce pollutant loadings in storm water runoffs.
- O. Perimeter closure computations shall be submitted with the final plat tracing.
- P. Recording of the plat within thirty (30) days after approval by the City Council and/or County Commission.
- Q. The representatives from the utility companies should be prepared to comment on the need for any additional utility easements to be platted on this property.
- R. The applicant is reminded that a disk shall be submitted with the final plat tracing to the Planning Department detailing this plat in digital format in AutoCAD. This will be used by the City and County GIS Department.

MOTION: To approve items 2A-1, 2A-2, 2A-5 through 2A-8, 2B-9 through 2B-11.

HENTZEN moved, **GAROFALO** seconded the motion, and it carried unanimously (9-0).

2A-6. SUB2001-102 – One-Step Final Plat of ALLEN ELEMENTARY SCHOOL ADDITION, located north of Mt. Vernon, east of Oliver.

- A.. Municipal services are available to serve the site. City Engineering needs to comment on the need for any guarantees or easements. No additional easements or guarantees are required.
- B. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning department for recording.
- C. City Engineering needs to comment on the status of the applicant's drainage plan. The drainage plan is approved. No guarantees are required.
- D. Traffic Engineering needs to comment on the access controls. The plat proposes one access opening along Ridge. The access controls are approved.
- E. The signature line for the County Clerk needs to be revised to reference "Don Brace".
- F. The platlor's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights -of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.
- G. The applicant shall install or guarantee the installation of all utilities and facilities which are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- H. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.
- I. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (Phone 316-729-0102) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- J. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- K. The owner of the subdivision should be aware of the fact that the development of any subdivision greater than five (5) acres in size may require an NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Further, on all construction sites, the City of Wichita requires that best management practices be used to reduce pollutant loadings in storm water runoffs.

- L. Perimeter closure computations shall be submitted with the final plat tracing.
- M. Recording of the plat within thirty (30) days after approval by the City Council and/or County Commission.
- N. The representatives from the utility companies should be prepared to comment on the need for any additional utility easements to be platted on this property.
- O. The applicant is reminded that a disk shall be submitted with the final plat tracing to the Planning Department detailing this plat in digital format in AutoCAD. This will be used by the City and County GIS Department.

MOTION: To approve items 2A-1, 2A-2, 2A-5 through 2A-8, 2B-9 through 2B-11.

HENTZEN moved, **GAROFALO** seconded the motion, and it carried unanimously (9-0).

2A-7. SUB2001-103 – One-Step Final Plat of GRIFITH ELEMENTARY SCHOOL, located south of Harry, west of Oliver.

- A. Since neither municipal water nor sanitary sewer is available to serve this property, the applicant shall contact the Environmental Health Division of the Health Department to find out what tests may be necessary and what standards are to be met for approval of on-site sewerage facilities and water wells. A memorandum shall be obtained specifying approval. The size of the platted lots necessitates the use of septic systems. Health Department has required a four corner lot grading plan.
- D. County Engineering needs to comment on the status of the applicant's drainage plan. The drainage plan is approved.
- E. County Engineering needs to comment on the access controls. The plat denotes one access opening along Tyler in addition to an emergency access opening. County Engineering has required access control except for one opening and an emergency access opening.
- F. County Fire Department needs to comment on the plat's street names. The streets names are approved.
- G. County Fire Department should comment on the need for any required gating, fencing or special signing necessitated by the platting of the emergency access easement. The emergency access easement shall be established by separate instrument and depicted on the final plat. A guarantee shall be submitted assuring the construction of an all-weather roadway surface. The text of the instrument shall indicate the type of driving surface to be installed and address installation and maintenance. The emergency access shall be a minimum of 20-feet wide, and be signed and gated.
- H. Provisions shall be made for ownership and maintenance of the proposed reserves. The applicant shall either form a lot owners' association prior to recording the plat or shall submit a covenant stating when the association will be formed, when the reserves will be deeded to the association and who is to own and maintain the reserves prior to the association taking over those responsibilities.
- I. For those reserves being platted for drainage purposes, the required covenant which provides for ownership and maintenance of the reserves shall grant, to the appropriate governing body, the authority to maintain the drainage reserves in the event the owner(s) fail to do so. The covenant shall provide for the cost of such maintenance to be charged back to the owner(s) by the governing body.
- J. A covenant shall be submitted regarding the reserve platted for private street purposes, which sets forth ownership and maintenance of the private street, and future reversionary rights of the reserve to the lots benefiting from the reserve. The plat's text shall reference the platting of the reserve for private street purposes along with ownership and maintenance responsibilities, in addition for the purpose of an emergency access.
- K. The applicant shall guarantee the installation of the proposed street. In the event the Subdivision Committee approves a private street, the Applicant shall guarantee the installation of the private street to a public street standard. As private improvements, such guarantee cannot be provided through the use of petitions.
- L. The signature line for the County Clerk needs to be revised to reference "Don Brace".
- M. The plat's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.
- N. The applicant shall install or guarantee the installation of all utilities and facilities which are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- O. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.
- P. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (Phone 316-729-0102) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.

- Q. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- R. The owner of the subdivision should be aware of the fact that the development of any subdivision greater than five (5) acres in size may require an NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Further, on all construction sites, the City of Wichita requires that best management practices be used to reduce pollutant loadings in storm water runoffs.
- S. Perimeter closure computations shall be submitted with the final plat tracing.
- T. Recording of the plat within thirty (30) days after approval by the City Council and/or County Commission.
- U. The representatives from the utility companies should be prepared to comment on the need for any additional utility easements to be platted on this property.
- V. The applicant is reminded that a disk shall be submitted with the final plat tracing to the Planning Department detailing this plat in digital format in AutoCAD. This will be used by the City and County GIS Department.

MOTION: To approve items 2A-1, 2A-2, 2A-5 through 2A-8, 2B-9 through 2B-11.

HENTZEN moved, **GAROFALO** seconded the motion, and it carried unanimously (9-0).

2A-8. DED2001-31 - Dedication of a Utility Easement from Ramona L. Cadmus, located on the south side of 13th Street, west and Meridian.

OWNER/APPLICANT: Ramona L. Cadmus, 2804 S. 11th Street North, Wichita, KS 67203

LEGAL DESCRIPTION: The east two of the west 142 feet and the east two of the west 160 feet of Lot 5, Orié Johnson's Addition, Sedgwick County, Kansas.

PURPOSE OF DEDICATION: This Dedication is a requirement of Lot Split No. SUB 2001-99, and is being dedicated for construction and maintenance of public utilities.

Planning Staff recommends that the Dedication be accepted.

MOTION: To approve items 2A-1, 2A-2, 2A-5 through 2A-8, 2B-9 through 2B-11.

HENTZEN moved, **GAROFALO** seconded the motion, and it carried unanimously (9-0).

2B-9. SUB2001-84 – Final Plat of IDLE BANKS ADDITION, located north of 85th Street North, on the east side of Oliver.

- A. Since neither municipal water nor sanitary sewer is available to serve this property, the applicant shall contact the Environmental Health Division of the Health Department to find out what tests may be necessary and what standards are to be met for approval of on-site sewerage facilities and water wells. A memorandum shall be obtained specifying approval.
- B. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- C. County Engineering needs to comment on the status of the applicant's drainage plan. A drainage plan and lot grading plan is needed.
- D. The Applicant should provide an off-site 35-ft contingent dedication of street right-of-way along the east property line of his adjoining property to the east in order to provide potential street connection to adjoining properties. This dedication shall be established by separate instrument.
- E. The plat proposes one access opening along 125th St. North. The Subdivision Committee has approved the access controls.
- F. The signature line for the County Commissioners need only reference "Carolyn McGinn".
- G. The Applicant is advised that if platted, the building setback must be increased to 35 feet to conform with the Zoning setback standard for County section line roads.
- H. Approval of this plat will require a waiver of the lot depth to width ratio of the Subdivision Regulations. The Subdivision Regulations state that the maximum depth of all residential lots shall not exceed 2.5 times the width. The Subdivision Committee has approved a modification.

- I. The Applicant has provided a pipeline easement agreement which appears to indicate a blanket easement for the area involved in this plat. The Applicant shall either obtain a release of this easement or provide proof that the easement has been confined. If confined, any portion of this easement impacting this site shall be denoted on the plat and shall be properly referenced. A recorded copy of the release/confinement of the easement shall be submitted.
- J. Access drives to structures in excess of 150 feet from the edge of the road are to be installed by the owner/builder and accepted by the fire department prior to the issuance of the building permit. Said drives are to be installed according to fire department specifications (20 feet wide with applicable turnaround with an all-weather surface able to withstand the weight of heavy apparatus in inclement weather).
- K. The plat's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.
- L. The applicant shall install or guarantee the installation of all utilities and facilities which are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- M. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.
- N. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (Phone 316-946-4556) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- O. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- P. The owner of the subdivision should be aware of the fact that the development of any subdivision greater than five (5) acres in size may require an NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Further, on all construction sites, the City of Wichita requires that best management practices be used to reduce pollutant loadings in storm water runoffs.
- Q. Perimeter closure computations shall be submitted with the final plat tracing.
- R. Recording of the plat within thirty (30) days after approval by the City Council and/or County Commission.
- S. The representatives from the utility companies should be prepared to comment on the need for any additional utility easements to be platted on this property. Southwestern Bell has requested additional easements.
- T. The applicant is reminded that a disk shall be submitted with the final plat tracing to the Planning Department detailing this plat in digital format in AutoCAD. This will be used by the City and County GIS Department.

MOTION: To approve items 2A-1, 2A-2, 2A-5 through 2A-8, 2B-9 through 2B-11.

HENTZEN moved, **GAROFALO** seconded the motion, and it carried unanimously (9-0).

2B-10. DED2001-32 - Dedication of a 20-foot utility easement, located south of Central, east of West Street. north of Harry, west of Broadway.

OWNER/APPLICANT: David H.B. Lee, 2140 W. 21st Street, Wichita, KS 67203

LEGAL DESCRIPTION: The south 20 feet of the north 143 feet of the west 200 feet of Lot 1, Block A, dePaul Addition.

PURPOSE OF DEDICATION: This Dedication is a requirement of Lot Split No. SUB 2001-108, and is being dedicated for construction and maintenance of public utilities.

Planning Staff recommends that the Dedication be accepted.

MOTION: To approve items 2A-1, 2A-2, 2A-5 through 2A-8, 2B-9 through 2B-11.

HENTZEN moved, **GAROFALO** seconded the motion, and it carried unanimously (9-0).

2B-11. DR2001-14 - Request for a street name change from Killenwood to Pine Meadow and Killenwood Court to Pine Meadow Court, located south of 13th Street North on the east side of Greenwich.

OWNER/APPLICANT: Rob Ramseyer, VP Ritchie Development Corp., Gateway Center, LLC., 8100 E. 22nd Street No., Bldg. 1000, Wichita, KS 67226

LEGAL DESCRIPTION: Adjacent to Lots 1 through 22, Killenwood Pointe Addition.

REASON FOR REQUEST: In order to avoid potential negative connotations of the existing street names.

CURRENT ZONING: "SF-5" - Single-Family District

NOTE: The property owner has requested that Killenwood be named Pine Meadow, and Killenwood Courts be named Pine Meadow Court and officially recognized as such by the City.

MOTION: To approve items 2A-1, 2A-2, 2A-5 through 2A-8, 2B-9 through 2B-11.

HENTZEN moved, **GAROFALO** seconded the motion, and it carried unanimously (9-0).

3A-1. VAC2001-00045 – Request to vacate an access control.

APPLICANT/OWNER: Flatcoat Storage II, LLC c/o Jerry Keeler

AGENT: John H Tasset

LEGAL DESCRIPTION: South 40-ft of Lot 3, Parcel B, Block 2, Washington Heights 5th Addition

LOCATION: Generally located northeast of the George Washington Blvd. – 31st Street South intersection

REASON FOR REQUEST: Provide access to Lot 2, Block 2, Washington Heights 5th Addition.

CURRENT ZONING: Subject property is zoned "LC" Limited Commercial. Properties to the north and south are zoned "LC" Limited Commercial. Property to the west is zoned "GO" General Office. Property to the east is zoned SF-5 Single Family Residential, this is part of McConnell Air Base.

The applicant is requesting consideration to vacate 15-ft of complete access control located within the south 40-ft of Lot 3, Parcel B, Block 2, Washington Heights 5th Addition, to provide access into Lot 2, Block 2, Washington Heights Addition. Currently Lot 2, Blk 2, Washington Heights Add has no point of access. Originally it's access was to be from the southern abutting Lot 1, Blk 2 Washington Heights 5th Add, onto 31st Street South; there is no access for Lot 2 from the residential street, Bunker Hill Drive. Lot 1 has been developed as a day care facility and Lot 2's point of access has been eliminated. An Administrative Adjustment was approved, 12-03-1999, to allow access onto George Washington Blvd, for Lot 2, with two conditions, the first being that one opening shall be permitted to George Washington and no opening shall be permitted to 31st Street South. The second condition being the filing of a lot split for Lot 3, Blk 2, Washington Heights 5th Add and that the applicant also submit a cross lot access agreement between Lots 2, 3 and 4, Blk 2, Washington Heights 5th Add. The applicant has not filed a lot split for Lot 3, although the applicant has submitted Exhibit B showing the proposed lot split, which is reflected in the legal description, which has previously been noted as the south 40-ft of Lot 3, Parcel B, Block 2, Washington Heights 5th Addition. The applicant has not been able to secure the cross lot access agreement, thus the request to vacate 15-ft of access control that abuts the north side of the existing 30-ft of access that is split, with 15-ft on Lot 3 and 15-ft on Lot 4. The proposal will make the access 45-ft instead of its present 30-ft, with 30-ft of access on Lot 3 and keeping the existing 15-ft of access on Lot 4. The owner of Lots 4 & 5 is not willing to vacate the 15-ft of access on to the north side of Lot 4. Lot 4 and Lot 5 have been developed as an apartment complex, with its 15-ft access being developed as landscaped yard and screening. The layout of the apartment complex appears to make a shared drive/access between the applicant's property and the apartment complex unlikely. Parking and circulation for the complex is fixed without inclusion of the northern section of Lot 4, which contains the southern 15-ft half of the shared 30-ft access, between Lots 3 (applicant's) and 4 (apartment complex).

The applicant has recently built a concrete drive (without concrete entrance), approximately 20-ft to 22-ft wide with curb, apparently on its 15-ft of access and beyond it, prior to the Subdivision Committee and the MAPC considering and making recommendation on the vacation request. The applicant appears to be using Bunker Hill as it's construction materials/work route and is jumping the curb to get to the site, which is a self-storage complex, currently under construction; approved in 1983, BZA-3383.

Two issues have been addressed by the applicant since the October 18, 2001 Subdivision Committee meeting. The issue of the applicant filing for a Lot Split, per the requirement of the 12-03-99 Administrative Adjustment granted to the applicant has been addressed. The issue of the cross lot access agreement has been addressed.

Based upon the information available prior to the public hearing, Staff recommends the MAPC make the following findings and recommendation to the City Council:

- A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:

1. That due and legal notice has been given by publication as required by law, by publication in the Wichita Eagle of notice of this vacation proceeding one time October 18, 2001, which was at least 20 days prior to this public hearing.
2. That private rights will not be injured or endangered by the vacation of the above-described access control, and the public will not suffer loss or inconvenience thereby.
3. In justice to the petitioner, the prayer of the petition ought to be approved.

B. Therefore, the vacation of access control described in the petition should be approved subject to the following conditions:

1. Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicant.
2. All improvements shall be according to current City Standards.
3. The applicant needs to confirm, with a survey, that the recently constructed drive is located within the applicant's property and its 15-ft half of the 30-ft shared access. Confirm with the City Engineer the location of the existing drive, on the Disabled American property, in reference to the constructed drive
4. Pave the entrance to the drive, which is now gravel over the culvert

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION:

The Subdivision Committee recommends approval subject to the following conditions:

1. Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicant.
2. All improvements shall be according to current City Standards.
3. The applicant needs to confirm, with a survey, that the recently constructed drive is located within the applicant's property and its 15-ft half of the 30-ft shared access. Confirm with the City Engineer the location of the existing drive, on the Disabled American property, in reference to the constructed drive
4. Pave the entrance to the drive, which is now gravel over the culvert

BILL LONGNECKER, Planning staff, presented the case explaining that the applicant had obtained an access agreement from the property owner fronting George Washington Blvd. eliminating the need for the applicant to obtain a cross lot access with adjoining property owners.

MOTION: Approve all vacation items.

GAROFALO moved, **BLAKE** seconded the motion, and it carried unanimously (11-0).

3B-2. VAC2001-00048 - Request to vacate a 20-foot utility easement.

<u>OWNERS/APPLICANTS:</u>	Kim and Lee Ann Vogel Long Properties LLC c/o Evertt Long
<u>LEGAL DESCRIPTION:</u>	The 20-ft utility easement between Lots 7 & 8, Block 2, Graf – Goldston 2nd Addition.
<u>LOCATION:</u>	Generally located southeast of 21 st St N – Maize Rd intersection on Belle Vista
<u>REASON FOR REQUEST:</u>	Existing encroachment and future development
<u>CURRENT ZONING:</u>	Subject property is zoned SF-5 Single Family Residential. Properties to the north, east, south and west are zoned SF-5 Single Family Residential.

The applicants are requesting consideration to vacate the 20-ft utility easement between Lots 7 & 8, Block 2, Graf – Goldston 2nd Addition. There is an existing encroachment on Lot 7, where a swimming pool was built 4-ft deep into the easement for a length of 10-ft, beginning at the intersection off this side utility easement (where the encroachment is) and a 20-ft utility easement located in the back yard. The owner of Lot 8 is also asking for the vacation of the 20-ft utility that runs on his side yard, to utilize the extra yard. There are no city utilities in this easement. The vacation of the 20-foot utility easement between Lots 7 & 8, Block 2, Graf – Goldston Addition will end at the point of its intersection with the 20-ft utility easement that runs in the south (rear yard) end of Lots 7 & 8, Block 2, Graf – Goldston Addition.

Based upon the information available prior to the public hearing, Staff recommends the MAPC make the following findings and recommendation to the City Council:

- A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:
1. That due and legal notice has been given by publication as required by law, by publication in the Wichita Eagle of notice of this vacation proceeding one time October 18, 2001, which was at least 20 days prior to this public hearing.
 2. That private rights will not be injured or endangered by the vacation of the above-described utility easement, and the public will not suffer loss or inconvenience thereby.

3. In justice to the petitioner, the prayer of the petition ought to be approved.
- C. Therefore, the vacation of the utility easement described in the petition should be approved subject to the following conditions:
1. Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicant.
 2. All improvements shall be according to current City Standards.

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION:

The Subdivision Committee recommends approval subject to the following conditions:

1. Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicant.
2. All improvements shall be according to current City Standards.

MOTION: Approve all vacation items.

GAROFALO moved, **BLAKE** seconded the motion, and it carried unanimously (11-0).

3B-3. VAC2001-00049 - Request to vacate North Moore Street between Second and Third Streets.

APPLICANT/OWNER: D & D Reality, LLC c/o Dave Burk
City of Wichita, c/o Allen Bell

LEGAL DESCRIPTION: That part of Moore Avenue described as beginning at a point on the east line thereof, being 356.48-ft north of the north line of 2nd Avenue; thence north along said east line, 251.17-ft to its intersection, with the south line of 3rd St; thence west along said south line of 3rd St, 33-ft to its intersection with the west line of Moore Av; thence south along said west line of Moore Av, 251.11-ft to a point 356.53-ft north of the north line of 2nd St; thence east 33-ft to the point of beginning.

LOCATION: Generally located between 2nd and 3^d Streets, northeast of St Francis – 2nd Street intersection

REASON FOR REQUEST: The applicant proposes to build a movie theater.

CURRENT ZONING: Subject property is zoned LI Limited Industrial. Properties to the north, east, south and west are zoned LI Limited Industrial. Property to the south is in the Old Town Overlay District.

The applicant is requesting consideration to vacate the northern 251.17-ft portion Moore Street and its ROW, in order to build a movie theater, which is part of a proposed theater - plaza – parking garage complex that runs the length of Moore on the east and west sides from 2nd to 3rd Street. The applicant proposes to keep the southern 356.46-ft of Moore open from 2nd Street with access onto Mead to the east, thus preventing Moore from dead-ending. The access onto mead will be dedicated as public ROW. Currently this section of Moore, from 2nd to 3rd Streets, resembles a dirt alley. 3rd Street is dirt at the Moore intersection and dead ends into the RR ROW immediately to the west. 2nd St is a paved one-way street going east. Traffic circulation in the adjacent areas, including the Old Town area to the south, will not be negatively impacted by this request.

KG&E and the Gas Company have equipment in Moore:

- (a) Retain Moore as an easement, until equipment relocated.
- (b) Relocate KG&E equipment at owner/applicant's expense.
- (c) Dedicate new easement for relocated KG&E equipment.

Based upon the information available prior to the public hearing, Staff recommends the MAPC make the following findings and recommendation to the City Council:

- A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:
1. That due and legal notice has been given by publication as required by law, by publication in the Wichita Eagle of notice of this vacation proceeding one time October 18, 2001, which was at least 20 days prior to this public hearing.
 2. That private rights will not be injured or endangered by the vacation of the above-described road and its ROW and the public will not suffer loss or inconvenience thereby.
 3. In justice to the petitioner, the prayer of the petition ought to be approved.

D. Therefore, the vacation of the road and its ROW described in the petition should be approved subject to the following conditions:

1. Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicant.
2. All improvements shall be according to current City Standards.
3. Access from Moore to Mead dedicated as public ROW. Abandoned sewer line in Moore.
4. Retain Moore as an easement, until all utilities/equipment are relocated.
5. Relocate KG&E /Gas equipment at owner/applicant's expense.
6. Dedicate new easement for relocated KG&E/Gas equipment.
7. Abandon the sewer line in Moore Street.

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION:

The Subdivision Committee recommends approval subject to the following conditions:

1. Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicant.
2. All improvements shall be according to current City Standards.
3. Access from Moore to Mead dedicated as public ROW.
4. Retain Moore as an easement, until all utilities/equipment are relocated.
5. Relocate KG&E /Gas equipment at owner/applicant's expense.
6. Dedicate new easement for relocated KG&E/Gas equipment.
7. Abandon the sewer line in Moore Street.

MOTION: Approve all vacation items.

GAROFALO moved, **BLAKE** seconded the motion, and it carried unanimously (11-0).

4. **Case No. ZON2001-00060** – Cortez Inc., c/o Eugene Cortez (owner) request zone change from "MF-29" Multi-Family to "GC" General Commercial on property described as:

Lot 2, Nance 2nd Addition, Wichita, Sedgwick County, Kansas. Generally located North of West 29th Street North and west of North Fairview (344 West 29th Street North).

BACKGROUND: The applicant requests "GC" General Commercial zoning on a platted lot located on the north side of West 29th Street North, west of Fairview, at 344 West 29th Street North. The vacant property is currently zoned "MF-29" Multi-Family.

The applicant owns the "GC" zoned parcel abutting the application area to the south, this property is developed with a restaurant facing 29th, and self-storage units on the north side of the property. The applicant wishes to expand the self-storage business onto the application area. The application area abuts West 30th Street North, which is platted but completely un-built west of Fairview. North of the application area is an "SF-5" zoned, 3.96-acre unplatted tract, developed with a single-family residence facing Fairview. The application area abuts three "SF-5" zoned lots to the east, two are developed with single-family residences, and one is developed with a church. The application area borders a drainage canal to the west, across the canal is property zoned "MF-29" and developed with a church.

The neighborhood character is a mix of "GC" and "LC" zoned businesses along 29th, a large drainage canal, vacant lots, large lot "SF-5" zoned properties, two churches within residential areas, and a number of unpaved streets in the area. Existing hedgerow vegetation visually screens the application area from the north and east; the drainage canal buffers the application area from the west.

The proposed zone change, from "MF-29" to "GC" would require conformance to all property development standards in the Unified Zoning Code.

CASE HISTORY: The abutting property to the south, under the same ownership, was rezoned to commercial zoning in 1979. The application area was platted as lot 2 of the Nance 2nd Addition in 1979. The plat dedicated the abutting West 30th Street North, dedicated 30 feet of the north and west property lines as a drainage and utility easement, and set a 25 foot building set back line from West 30th Street North.

ADJACENT ZONING AND LAND USE:

NORTH: "SF-5" single-family residence
SOUTH: "GC" restaurant, self-storage
EAST: "SF-5" single-family residences, church
WEST: "MF-29" drainage canal, church

PUBLIC SERVICES: The property is located on platted West 30th Street North, which is un-built and unaccessable. The only access to the application area is through the property to the south, under the same ownership, from West 29th Street North. The traffic count in March of 2000 along this section of 29th was 9,077 cars per day (ADTs); the projected traffic volume for 2030 is expected to drop, possibly as low as 7,558 cars per day.

West 29th Street North is a four-lane arterial street with an existing half-width right-of-way of 50 feet. No street projects are included in the C.I.P. for the immediate area. A 30-foot drainage and utility easement exists within the application area.

City water and sewer are available to the application area.

CONFORMANCE TO PLANS/POLICIES: The "Wichita Land Use Guide" of the *1999 Update to the Wichita-Sedgwick County Comprehensive Plan* identifies this area as "low density residential." However, the draft update to the same "Wichita Land Use Guide" identifies this area along 29th as commercial, reflecting current zoning and land uses in the area.

RECOMMENDATION: Although West 30th Street North is currently un-built and unaccessible, Planning Staff recommends that the applicant dedicate complete access control to West 30th Street North. This dedication would permanently limit access to the application area through the abutting lot to the south, and would keep commercial traffic out of the residential neighborhood east of the application area. Planning staff also recommends that the applicant pursue a street vacation of West 30th Street North; this platted street will serve no purpose if the application area is developed commercially and accessed from the south via 29th. Based upon information available prior to public hearings, planning staff recommends that the request be APPROVED subject to dedication of complete access control on West 30th Street North.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: Approval of this zone change request would have the effect of expanding existing "GC" zoning, and expanding the existing self-storage use from the abutting lot to the south. The requested zone change and use would be well screened and buffered from nearby residential uses because of platted setbacks, drainage easements, and existing vegetation. Also, the zone change would require conformance to all property development standards in the Unified Zoning Code, to include screening requirements. Dedication of access control on West 30th Street North would keep commercial traffic out of the residential neighborhood east of the application area. Subject to dedication of access control on West 30th Street North, the requested zone change should have no negative impact on the character of surrounding residential uses.
2. The suitability of the subject property for the uses to which it has been restricted: The property, as it is currently zoned and configured, would be difficult to develop for any residential use. Unless West 30th Street North is built, the application area is effectively landlocked, accessible only through the contiguously owned property to the south.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The requested zone change and self-storage use would be well screened from nearby residential uses, likewise the zone change would require conformance to all property development standards in the Unified Zoning Code, to include screening and lighting requirements. These development standards, and dedication of access control on West 30th Street North, should mitigate any negative affect on nearby residential properties.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The requested change in zoning classification is not in conformance with the *1999 Update to the Wichita-Sedgwick County Comprehensive Plan* "Wichita Land Use Guide." However, the draft update to the "Wichita Land Use Guide," currently under consideration, designates the application area as commercial. It is anticipated that this request would be in conformance with the updated "Wichita Land Use Guide" once adopted.
5. Impact of the proposed development on community facilities: The only impact on community facilities would be the slight increase in vehicular traffic on West 29th Street North, as a result of expanding the self-storage use. However, this section of 29th Street is anticipated to have a decrease in traffic volume over time.

JESS MCNELLY, Planning staff, presented the staff report. He noted that the key issue was 30th Street. 30th Street is platted, but not built. Staff recommends, but not requires, that the applicant seek a vacation of 30th Street. DAB VI recommended approval.

GAROFALO asked if the property to the north is developed residentially?

MCNEELY stated it was.

GAROFALO asked what impact vacating 30th Street would have on property to the north?

MCNEELY noted 30th Street would not be the best way to access that property.

HENTZEN asked how they access the site today?

MCNEELY stated they would have to use 29th since staff is recommending no access to 30th Street.

JOHN TASSET, applicant, said he saw no reason for vacating 30th Street. He agreed with the access control recommendation.

MOTION: To approve, subject to staff comments and citing the findings in their report.

HENTZEN moved, **COULTER** seconded the motion, and it carried unanimously (11-0).

MICHAELIS asked if there was anyone present wanting to speak on Items 5 through 9. No one was present wishing to speak to these items so the Chairman asked for a motion to take those agenda items in one motion.

5. **CON2001-00053** – City of Wichita (owner) requests a Conditional Use permit for clean rubble and

construction and demolition landfill on property described as:

A tract of land lying in the Southeast Quarter of Section 34, Township 26 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, being more particularly described as follows:

The west 1,330 ft. of a tract of land generally lying east of the centerline of Grove, North of the Union Pacific Railroad Right-of-Way and South of K-96 Highway, including the West 464.35 ft. of Lot 2, the Northeast Substation Addition, the tract contains approximately 42 acres, more or less. Generally located South of K-96 and ¼ mile west of Hillside.

BACKGROUND: The City of Wichita is requesting a Conditional Use for a clean rubble/construction and demolition landfill for property located approximately one-fourth mile west of Hillside south of K-96. The site is an existing borrow pit created for construction of K-96. If approved, the land would be filled up to its original elevation except for the pond area that would be retained as a pond for future recreation purposes, and except for topographic feature modifications to enhance the open space use. The landfill activities would be kept at least 15 feet from the edge of the pond. The proposed final reuse of the site is as a passive recreation site as part of the K-96 Lake, formerly known as Cruiser Lake.

A clean rubble landfill is allowed without a permit from the Kansas Department of Health and Environment. Clean rubble is defined by the state as inert uncontaminated construction and demolition waste that includes concrete and concrete products, reinforcing steel, asphalt pavement, brick, soil or rock. The City also is making application to the KDHE for a construction and demolition landfill permit and, if approved, would operate a C&D landfill on the site. The City intends to operate a clean rubble landfill if this Conditional Use is approved, regardless of whether the C&D permit is granted.

The adjoining land to the east also is owned by the City of Wichita and is the current location of a concrete recycling center (rock crusher) (DR93-21). In fact, the southeast corner of the current application area was included in the DR93-21 approved site. If this application is approved and the C&D permit is received by KDHE, the City may move the rock crusher onto this site. Then the land to the east could be reclaimed and incorporated into the K-96 Park. Architectural Art Manufacturing, Inc., a manufacturing facility, is located farther east toward Hillside. The animal shelter is located to the northeast of the application area. K-96 runs along the northern property line.

The property to the south of the application area is a railroad right-of-way and Grove Park. It is zoned "GI" General Industrial, "LI" Limited Industrial, "SF-5" Single Family, and "MH" Manufactured Home. The land zoned "MH" was the location of a drive-in theatre closed in the 1980s, and is planned for park expansion.

CASE HISTORY: The property is unplatted.

ADJACENT ZONING AND LAND USE:

NORTH:	"LI"	K-96, City of Wichita street maintenance facility
SOUTH:	"LI"; "SF-5"; "MH"	Grove Park and Chisholm Creek
EAST:	"LI"; "SF-5"	Recycling center, manufacturing firm, animal shelter
WEST:	"GI"	K-96 (Cruiser Lake)

PUBLIC SERVICES: The property is located one-fourth mile west of Hillside immediately south of the K-96 interchange. Traffic counts were not available for 2000, but projected traffic on Hillside south of K-96 was projected to be 11, 426 ADT (average daily traffic) in 2030. Since clean rubble is already being transported to the abutting property (DR93-21), the increase in truck traffic would be after major storm events and to deposit street sweepings.

Public water and sewer services are available nearby, but will not be required for the project.

CONFORMANCE TO PLANS/POLICIES: The "Wichita Land Use Guide" of the *1999 Update to the Wichita-Sedgwick County Comprehensive Plan* identifies this property as "park land and open space." *Parks and Pathways, Park and Open Space Master Plan Wichita-Sedgwick County, Kansas* (September 1996) designates it as part of the Grove Park complex and as a regional park. The *Sedgwick County Solid Waste Management Plan* provides for the establishment of construction and demolition landfills within Sedgwick County for the disposal of C&D wastes.

RECOMMENDATION: The requested Conditional Use would allow the City to operate a clean rubble landfill and, potentially a construction and demolition landfill on this site, until the property is filled to an elevation equal or below the elevation prior to use of the site as a borrow pit for K-96 construction, or to the level desired for open space recreational purposes. This interim use of the property benefits the Public Works Department of the City with a site for its clean rubble and C&D materials. The potential relocation of the rock crusher to the site would move it farther away from the manufacturing firm to the east. It also holds two potential benefits for future park development: (1) providing a road connection that could link the K-96 Lake property and Grove Park south of Chisholm Creek, and (2) restoring the property to nearer its original topography.

Based on these considerations and upon information available prior to the public hearings, planning staff recommends that the request be APPROVED, subject to the following conditions.

1. Clean rubble and demolition and construction solid waste resulting from the construction, remodeling, repair, repair and demolition of structures, roads, sidewalks and utilities as further defined in K.S.A. 65-3402(u) shall be the only landfill materials permitted. Household solid waste, hazardous or toxic wastes, as defined by K.S.A. 65-3430 et. seq. shall not be permitted for disposal at this site.
2. The landfill operation shall obtain all applicable permits or licenses. Operations shall proceed in accordance with all conditions established by the Kansas Department of Health and Environment (KDHE), Wichita-Sedgwick County Health Department, Sedgwick County Environmental Resources, FEMA, the Corps of Engineers, the Department of Wildlife and Parks or any other agency having jurisdiction or oversight authority for the activities conducted on the application area.

3. The landfill shall not be open to the general public. Access shall be restricted to those users authorized by the Department of Public Works.
4. The delivery of construction and demolition waste to the site shall be via Hillside or Grove Circle.
5. A minimum 6-foot high fence shall be installed. The fence shall be either chain link or welded or woven wire with openings no larger than two inches.
6. Upon written notice of any violation by the appropriate zoning administrator or the Wichita-Sedgwick County Health Department, the operation shall cease and the violation shall be corrected within 48 hours.
7. A detailed grading/drainage plan shall be submitted to the Department of Public Works and Parks and Recreation Department for review and approval prior to commencement of operations. A copy of the approved grading and drainage plan shall be submitted to the Planning Department for filing with other case materials. The operation of the landfill shall be in conformance with the approved grading and drainage plan, and with the "Site Plan". Prior to the opening of any new area the previous area shall be graded and seeded in accordance with approved plans, with at least 18 inches of clean cover material.
8. Material shall to be piled no higher than as shown on the approved grading and drainage plan.
9. If moving the rock crusher onto this parcel, the opacity of dust from the crusher mechanism and transfer points must not exceed 40 percent opacity as determined by the Wichita-Sedgwick County Department of Community Health, Air Quality Control staff.
10. Water or other forms of dust retardant shall be used as needed to control blowing dust from the stored concrete and asphalt, the entrance and driveways leading to and around the rock crusher and any other areas where there is truck traffic.
11. The berm along the K-96/northern property line shall be maintained for screening the site. Should the berm not provide adequate screening of trucks or piles of materials, landscaping shall be added to provide screening as required by Section III-B.3.b of the Unified Zoning Code.
12. The Conditional Use for clean rubble and construction and demolition landfill and the accessory rock crusher shall expire upon conversion of the application area for the purposes of park expansion.
13. The landfill shall developed and operated be in compliance with all conditions of approval or this Conditional Use shall be considered null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The property adjoining the application area is zoned "LI" Limited Industrial and "GI" General Industrial and includes parkland, industrial uses, the concrete recycling use (DR93-21), and an animal shelter. These uses are compatible with a landfill that is designed to be converted to future park and open space use. The site is buffered well by a major highway (K-96) on the north and a railroad right-of-way and Chisholm Creek on the south.
2. The suitability of the subject property for the uses to which it has been restricted: The property is not suitable for the range of "LI" uses for which it is currently zoned. It is designated as open space on both the Comprehensive Plan and the Parks and Open Space Master Plan; and most industrial uses are incompatible with this designation.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Approval of this application would enhance the nearby properties so long as the operation of the site is conducted to allow its reclamation for future park use. It also provides a potential link between K-96 park facilities on the north and Grove Park on the south of Chisholm Creek if a bridge were constructed over the creek.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and Policies: Sedgwick County's solid waste plan promotes recycling and separation of the waste stream as much as practicable in order to minimize the amount of material that will have to be processed by a transfer station and shipped to a municipal solid waste landfill.
5. Impact of the proposed development on community facilities: The main traffic impact would be an increase in C&D vehicles on the adjacent streets. The indirect future impact would be to enhance the open space recreational facilities upon conversion of the site to these uses and to provide the potential for better connectivity between K-96 and Grove Park.

MOTION: To approve, subject to staff comments and citing the findings in their report.

WARREN moved, **MARNELL** seconded the motion, and it carried unanimously (11-0).

6. **HPC2001-118** – Greg Hecox request Historic Landmark Designation

BACKGROUND: The applicant is requesting the apartment building located at 404-408 W. Back Bay Blvd be designated as a Wichita Historic Landmark. This building was built in 1927-28 and has had few modifications since its construction. It is an example of a garden style apartment and is the only one of its kind in Wichita. When it was originally built, the structure was designed to be an integral part of the park and the river that is evidenced by the interior courtyard and the openings to the full veranda. The structure also has a full basement. The interior has had few modifications.

Architect William L. Shultz and builder J.W. Schrader created the Riverview. Mr. Schrader was an active builder in Wichita and worked with other noted architects such as Glen Thomas. J.W. Schrader's sons started the Wichita firm of Schrader Brothers Construction Company in existence today.

The land use surrounding the application area consists of "B" Multifamily, TF-3, and "GC" – General Commercial. The applicant, Gregory Hecox, is also seeking state-level designation.

This site is located on the west side of Waco bordered on the south by Back Bay Boulevard. Waco is a four-lane two-way arterial street, and Back Bay Boulevard is a two-way local street.

Findings of significance of the Historic Preservation Board are based on evaluation criteria established in Chapter 2.12, Code of the City of Wichita. The apartment is a good example of a garden style apartment and is the only one of its kind in Wichita. The building's first owner was Samuel Denney, a prominent Wichita who owned and operated the first road machinery company in the area.

CASE HISTORY: The application area was platted as Mungers Original Town in 1870.

ADJACENT ZONING AND LAND USE:

NORTH: "B" Multi-Family
SOUTH: "B" Multi-Family
EAST: "GC" General Commercial
WEST: "TF-3" Twofamily

PUBLIC SERVICES: Municipal water and sewer services are available. Access is via Waco Street. The traffic count on Waco between Murdock and 13th Street intersections was less than 7200 ADT in 2001. The Wichita CIP has no proposed improvements for this segment of Waco.

CONFORMANCE TO PLANS/POLICIES: The adopted "Land Use Guide" of the 2030 Comprehensive Plan and 2001 Historic Preservation Plan indicates that the Wichita City Council has adopted a preservation ordinance that states "the protection, enhancement, preservation and use of historic landmarks is a public necessity." And furthermore, the Historic Preservation Board is to research and nominate historic properties for possible designation as landmarks.

RECOMMENDATION: Based upon approval by the Historic Preservation Board at their August 13, 2001 regularly scheduled meeting, planning staff recommends that the request be APPROVED and is submitting this application for MAPC approval.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The area surrounding the application area is zoned "B" Multiple Family Residential. Nearby property is developed with residential units.
2. The suitability of the subject property for the uses to which it has been restricted: The historic designation will not affect the current usage of the property as the underlying "B" zoning will remain as is. Wichita Landmark designation will require design review for only the said property, not adjacent properties.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: There should be no detrimental affect as the land use on the application site does not change, and additional reviews of adjoining properties are not triggered with landmark approval.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan: This request is in conformance with the Comprehensive Plan for Historic Preservation which specifies that the Historic Preservation Board is to nominate deserving properties for possible designation as landmarks. This property meets the criteria established for landmark designation.
5. Impact of the proposed development on community facilities: The development of this property will not negatively affect water or sewer service. Traffic improvements currently in place should provide adequate capacity to handle the traffic generated at this site.

MOTION: To approve, subject to staff comments and citing the findings in their report.

WARREN moved, **MARNELL** seconded the motion, and it carried unanimously (11-0).

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7. **ZON2001-00064** – Estate of Theodore Grant Davis, Jr., Deceased (owner); Stuart L. Ray, Executor; request a Zone change from "LC" Limited Commercial, "GC" General Commercial to "LC" Limited Commercial and to "GC" General Commercial on property described as:

GC to LC: Lots 1, 3, 5, 7, 9, and 11, on Lawrence Avenue, now Broadway, in Craven's Addition to the City of Wichita, Kansas Sedgwick County, Kansas

LC to GC: Lots 5, 7, 9, and 11, Goodwin's Addition to Wichita, Kansas Sedgwick County, Kansas; together with the north 72 feet of the Reserve, on Lawrence Avenue, now Broadway, in Brook's Addition to Wichita, Kansas, Sedgwick County, Kansas. Generally located northwest corner of Broadway and Harry.

BACKGROUND: The applicant essentially requests a "GC" and "LC" zoning exchange between the two parcels highlighted on the map above. The application area is approximately .93-acres at the northwest quadrant of the Broadway and Harry intersection (1535 – 1559 South Broadway). The three lots at the intersection are currently zoned "GC" and developed with a used car lot, the applicant is requesting "LC" zoning for these lots to develop a Walgreens store. The three lots further north on Broadway, plus a portion of reserve, are currently zoned "LC" and developed with one single-family residence; the applicant requests "GC" zoning for this property to relocate a sign business. The one lot between the two application area parcels is zoned "LC" and is currently developed as a part of the used car sales at the corner, this lot will become part of the proposed Walgreens site. The applicants intend to replat the application areas into two parcels for development; the proposed replat will vacate privately held reserves at the development site. The proposed development would result in a parcel located at the corner of Broadway and Harry developed with a Walgreens, and a separate parcel to the immediate north on Broadway developed with a relocated sign business (see the attached site plan).

The application area abuts "LC" zoned property to the north and west. North of the application area is a pawnshop and associated parking, west of the application area are three single-family residences, a sign business (proposed to be relocated), and a computer business. Property across Broadway, east of the application area, is zoned "LC" and "GC," and is developed with general strip commercial uses. Property south of the application area, across Harry, is zoned "GC" and developed with commercial uses. Southwest of the application area, across Harry, is property zoned "LC" and developed with parking for an elementary school located further west on Harry.

The proposed zone change, from "LC" to "GC" and "GC" to "LC," and the proposed development would require conformance to all property development standards in the *Unified Zoning Code*.

CASE HISTORY: The three northern lots of the application area were approved for a used car sales Conditional Use in 1998.

ADJACENT ZONING AND LAND USE:

NORTH: "LC"	pawnshop, parking
SOUTH: "GC," "LC"	general commercial, school parking
EAST: "GC," "LC"	general commercial
WEST: "LC"	Single-family, home sign business, computer business

PUBLIC SERVICES: The property is located along South Broadway, a four-lane arterial street, and along Harry, also a four-lane arterial street. At this intersection, Broadway has an additional southbound right turn lane, and Harry has an additional eastbound right turn lane. The traffic count in March of 2000 along this section of Broadway was 11,997 cars per day (ADTs); the projected traffic volume for 2030 is 10,323 cars per day. The traffic count in March of 2000 along this section of Harry was 9,596 cars per day (ADTs); the projected traffic volume for 2030 is 16,970 cars per day.

The existing half-width right-of-way for Broadway at the application area is 30 feet; and the existing half-width right-of-way for Harry at the application area is also 30 feet. No street projects are included in the C.I.P. for the immediate area. No utility easements exist within the application area.

City water and sewer are available at the application area.

CONFORMANCE TO PLANS/POLICIES: The "Wichita Land Use Guide" of the *1999 Update to the Wichita-Sedgwick County Comprehensive Plan* identifies this area as "Commercial." This zone change request simply exchanges "LC" and "GC" zoning, both of these zones fall within the definition of "Commercial."

RECOMMENDATION: This zone change request is in conformance with the *Comprehensive Plan* "Wichita Land Use Guide" and "Commercial Locational Guidelines." As these properties are redeveloped, the *Unified Zoning Code* property development standards for screening, landscaping, and lighting will mitigate any negative impacts on nearby residential properties. The proposed redevelopment has the potential to improve neighborhood appearance and retail services. The applicants met with the planning staff and agree with planning staff's recommendations concerning access control, right-of-way dedications, and cross-lot agreements. Planning staff recommends that vehicular access control be maintained at the application area by permitting one point of access from Harry (relocated east, to align with the alley across Harry), one point of access from Market, two points of access from Broadway, and cross-lot circulation between the two proposed parcels. Planning Staff recommends that an additional 20 feet of right-of-way be dedicated as a condition of this zone change request, bringing both of these arterial streets to the desired 50-foot half-width right-of-way standard. However, because of site and operational constraints for the proposed sign business relocation, staff recommends that the proposed northern parcel make a contingent 20-foot right-of-way dedication.

Based upon information available prior to the public hearings, planning staff recommends that the request be APPROVED, subject to replatting into two parcels within one year. The replat should include provisions for: dedication of 20 feet of right-of-way on Harry, 20 feet of right-of-way on Broadway for the southern parcel, and a contingent dedication of 20 feet of right-of-way on Broadway for the northern parcel; dedication of access control with one point of access from Harry, one point of access from Market, and two points of access from Broadway; and a cross-lot access agreement between the two parcels.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: All property abutting the application area is zoned "LC." The properties across Broadway and Harry from the application area are zoned "LC" and "GC." Most land uses in this area are commercial or parking, with the exception of three single-family residences to the west of the application area, these residences face South Market Street. The character of the Broadway and Harry intersection is that of an older commercial strip area.
2. The suitability of the subject property for the uses to which it has been restricted: The property could continue to be used as it is currently zoned. However, downzoning the corner from "GC" to "LC" will allow for the proposed neighborhood scale retail development. Likewise, rezoning the northern parcel from "LC" to "GC" will allow the sign business to be relocated from the corner, and yet remain in the same neighborhood.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Approval of "LC" zoning at the corner has the effect of "downzoning," and allows less intensive development. Approval of "GC" zoning on the northern parcel will permit uses not currently permitted at this location, screening and landscaping requirements will mitigate impacts on the residential properties to the immediate west.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The requested zoning change is in conformance with the *Comprehensive Plan* "Wichita Land Use Guide," and it is in conformance with all the commercial locational guidelines of the plan.
5. Impact of the proposed development on community facilities: The proposed Walgreens store at this location will generate more traffic than the current used car lot. Therefore, the dedication of additional street right-of-way, limiting access control, and providing for cross-lot circulation will address potential increased demand on community facilities.

MOTION: To approve, subject to staff comments and citing the findings in their report.

WARREN moved, **MARNELL** seconded the motion, and it carried unanimously (11-0) **JOHNSON** abstained.

8. **ZON2001-00065** – Jeff Bannon request a Zone change from "SF-5" Single-Family Residential to "LC" Limited Commercial on property described as:

The West 20 feet of the East 620 feet of the North 600 feet of the Northeast Quarter of Section 24, Township 28 South, Range 1 West of the 6th P.M. Sedgwick County, Kansas; except the North 50 feet. Generally located southwest of the Meridian Ave – 47th Street South intersection.

BACKGROUND: The applicant is requesting consideration for a zoning change from "SF-5" Single-Family Residential to "LC" Limited Commercial on the west 20-feet x 550-feet of his property. The applicant owns a u - shaped piece of property (an unplatted 250-foot x 510-foot section off of Meridian Avenue under different ownership causing the u-shape; see Exhibit A) on the southwest corner of 47th Street South – Meridian Avenue intersection. This u - shaped property is zoned "LC" Limited Commercial. The difference in the zoning of his property was discovered during a recent survey of the property. The applicant proposes to have one zoning for his property.

The site has undeveloped "SF-5" Single - Family Residential zoning located on the north side, across 47th Street South. The abutting properties to the west and south are zoned "MH" Manufactured Housing and are developed as Manufactured Housing. The president of the Southborough Estates Condominium Association (the manufactured homes abutting on the west), Jeff Lange, in a fax to the Staff, stated that association has no objection to the requested zoning change on the strip. The property abutting to the east is the previously mentioned (the property under different ownership, whose penetration into the applicant's property caused it to be u – shaped) unplatted 250-foot x 510-foot property. This property is zoned "LC" Limited Commercial and has a house with a large accessory building on it. The property adjacent to the site on the east, across Meridian Avenue, is zoned "LC" Limited Commercial and is undeveloped.

The applicant proposes to plat the property as South Lakes Commercial Addition. Proposed development would be what is typically permitted in "LC" Limited Commercial zoning.

CASE HISTORY: The applicant's property was already rezoned in the late 1950's as "LC" Light Commercial. The property was part of the County within Wichita's 3-mile area of zoning influence and part of a series of commercial nodes rezoned as "LC" Light Commercial. These nodes were located on the four corners, at one-mile intervals at the intersections of major arterials within the 3-mile area of zoning influence. The size of the nodes on the four corners was 600-feet x 600-feet. The site was annexed into the City on 10-23-87.

ADJACENT ZONING AND LAND USE:

NORTH:	"SF-5" Single-Family Residential	Undeveloped
EAST:	"LC" Limited Commercial	Residence & undeveloped
SOUTH:	"MH" Manufactured Housing	Manufactured home park
WEST:	"MH" Manufactured Housing	Manufactured home park

PUBLIC SERVICES: 47th Street South is paved and is classified as a 2-lane arterial. Meridian is paved and classified as 4-lane arterial. Average Daily Trips (ADT) at the intersection of 47th Street South and Meridian Avenue is 6510 ADTs on the north side, 4930 ADTs on the south side, 2536 ADTs on the west side and 5120 ADTs on the east side. There is gas, water and electricity for the site.

CONFORMANCE TO PLANS/POLICIES: The Comprehensive Plan identifies this property as likely for future commercial development. Commercial development is intended for convenience centers, neighborhood centers or large-scale retail. The size and configuration of this property would be appropriate for a convenience center type of development, which is the smallest of commercial development. The property and the other 3 sides of the 47th Street S – Meridian intersection were zoned for “LC” Light Commercial zoning in 1958. The current zoning request is in conformance to the current and past comprehensive plans and policies.

RECOMMENDATION: Based on the information available prior to the public hearing, staff recommends the application be APPROVED.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood. The applicant's site and the other 3 corners of the 47th Street S – Meridian intersection have been zoned for commercial development since the late 1950's. There are examples of other intersections in the area that were rezoned commercial nodes in the late 1950's and have subsequently been developed for commercial use. The character of the immediate neighborhood is scattered residential, manufactured housing and playing/soccer fields.
2. The suitability of the subject property for the uses to which it has been restricted: The balance of the applicant's property is already zoned “LC” Limited Commercial. Approving the applicant's request to rezone the 20-foot x 550-foot strip to be the same zoning, “LC”, as the rest of his property on this corner will make it easier to develop this site. Because of the size and configuration of the 20-foot x 550-foot strip, keeping it zoned SF-5 makes it impossible to develop.
3. Extent to which removal of the restrictions will detrimentally affect nearby Property: Any detrimental affects would be mitigated by the required development standards required by the UZC.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and Policies: The applicant is bringing a 20-foot x 550-foot strip of his property into the same zoning as the rest of his property, which was designated for commercial use/zoning by in the late 1950's by the City of Wichita. The current land use map recognizes this site as appropriate for commercial zoning.
5. Impact of the proposed development on community facilities: The impact of this development on the community facilities will be minimal.

MOTION: To approve, subject to staff comments and citing the findings in their report.

WARREN moved, **MARNELL** seconded the motion, and it carried unanimously (10-0).

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9. **ZON2001-00063** – Julius Properties, LP (owner); requests Zone change from “B” Multi-Family to “LI” Limited Industrial on property described as:

Lots 6, 7, 8 & 9 Block 2, McCarty 2nd Addition, Wichita, Kansas, Sedgwick County, Kansas. Generally located at the southeast corner of Navajo and Bluff.

BACKGROUND: The applicant is requesting “LI” Limited Industrial zoning on a 3.95-acre triangular shaped tract located on the southeast corner of Navajo and Bluff, which is one block south of 31st Street South. The applicant owns an existing manufacturing facility, ZTM, Inc., located on the block to the northwest of Navajo. Also, ZTM has another building located north of the proposed application area but that is separated from the application area by a small woodworking operation under separate ownership. ZTM is an aircraft parts manufacturing firm.

The property is bordered on the west by a large manufactured home park, The Township at Clifton Manufactured Home Park; on the north by the woodworking shop, ZTM, and a plumbing/mechanical contractor; and on the southeast by the Kansas Turnpike. The area north of 31st Street South is Plainview. The Boeing complex is located to the east of the Turnpike.

CASE HISTORY: The property is platted as Lots 6-9, Block 2, McCarty Second Addition, recorded December 16, 1964. A platted easement between Lots 6 and 7 bisects the application area but may not conflict with the proposed building alignment.

In 1964 the entire area between 31st Street South, the Turnpike, and Bluff was zoned “E” Light Industrial (Z-0584). Staff opposed this request based on the proximity of the site to nearby residential uses (the mobile home park already under development as well as Plainview to the north and the K-15 residential area under development further to the west) and eliminating the strong buffer formed by the Turnpike separating the industrial uses (Boeing complex) from the residential uses. However, the zoning was granted and two firms were located in the area within the next few years.

The property was rezoned from “E” Light Industrial to “B” Multi-Family on August 19, 1975 (Z-1716). According to MAPC hearing testimony the reason for the requested change from “E” to “B” was to build an apartment complex for students attending an automotive school then operating on the property to the north. This apartment use was never constructed, and the automotive school was acquired by the applicant and converted to an airplane parts manufacturing facility.

The property is located above grade from the Turnpike, and probably would not be subject to landscaping and screening requirements unless these are established as protective overlay conditions.

ADJACENT ZONING AND LAND USE:

NORTH: "LI" Manufacturing, construction sales and service
SOUTH: "LI" Turnpike, Boeing
EAST: "LI" Turnpike, Boeing, industrial firms
WEST: "MH" Manufactured home park

PUBLIC SERVICES: The property has access via Navajo or Bluff. The Township at Clifton Manufactured Home Park also has two entrances onto Bluff, which feed into 31st Street South.

Normal public water and sewer services are available.

CONFORMANCE TO PLANS/POLICIES: The "Wichita Land Use Guide" of the *1999 Update to the Wichita-Sedgwick County Comprehensive Plan* reflects the existing zoning pattern by showing the subject tract as "high density residential", the property to the north as "industrial", and the property to the west (the manufactured home park) as "medium density residential".

The Industrial Locational Guidelines indicate that industrial development should be located in close proximity to support services and be provided good access to major arterials, city truck routes, belt highways, utility truck lines, rail spurs, airports, and as extensions of existing industrial areas. The Industrial Locational Guidelines also indicate that industrial development generally should be located away from existing or planned residential areas so as not to generate industrial traffic through less intensive land use areas. The request conforms partially to these locational guidelines since it has access to a local street feeding to an arterial street, is located near a major arterial and in close proximity to the interchange with the Turnpike, and is an extension of the industrial area to the north and also east of the turnpike.

Industrial traffic on Bluff Street would combine with residential traffic from the abutting manufactured home park, which is not the desired separation between residential and industrial traffic. The manufactured home park has a good screening fence along Bluff to provide some measure of separation. Because of the MH zoning on the west side of Bluff, the proposed industrial use would be required to provide a landscaped street yard and to screen any outdoor work or storage areas on Bluff. This would soften the visual impact of the industrial use on the manufactured home park.

RECOMMENDATION: Based upon the information available prior to the public hearings, planning staff recommends that the request be APPROVED subject to a Protective Overlay with the following conditions:

1. Landscaping shall be provided along the southeast property line abutting the Turnpike with landscaping equivalent to a landscaped street yard per the Landscape Ordinance. All outdoor work and storage areas visible from the Turnpike shall be screened from view with solid screening, either landscaping or fencing.
2. No off-site signs or billboards shall be permitted.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The surrounding area is characterized by industrial use on property zoned "LI" Limited Industrial to the north and southeast and residential use zoned "MH" Manufactured Housing to the west. The manufactured home park on the west was developed at approximately the same time as the industrial uses to the north and has installed a screening fence as a means of separation to the existing industrial uses.
2. The suitability of the subject property for the uses to which it has been restricted: The site is zoned "B" Multi-Family, which accommodates high-density residential use. It is unlikely that an apartment would be located on this triangular tract surrounded by industrial use, the Turnpike, and the manufactured home park. Expansion of the manufactured home park would require rezoning since the "B" zoning district does not permit this use.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The potential detrimental effect would be the impact on the manufactured home park; however, it would be mitigated by the presence of landscaping and the screening of outdoor work and storage areas along Bluff. It is also mitigated by the screening fence already installed on the west side of Bluff and the limitation of entrances to the manufactured home park to only two points. The Protective Overlay conditions will prevent potential visual impacts along the Turnpike.
4. Length of time the subject property has remained vacant as zoned: The subject property has remained vacant while the adjacent properties have been developed since the 1960s.
5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The Wichita Land Use Guide" of the *1999 Update to the Wichita-Sedgwick County Comprehensive Plan* identifies this area as appropriate for "high-density residential" development, but shows the property to the north as "industrial".

The request conforms partially to Industrial Locational Guidelines since it has access to a local street feeding to an arterial street, is located near a major arterial and in close proximity to the interchange with the Turnpike, and is an extension of the industrial area to the north and also east of the turnpike. However, industrial traffic on Bluff Street would combine with residential traffic from the abutting manufactured home park, which is not the desired separation between residential and industrial traffic.

6. Impact of the proposed development on community facilities: The site should not significantly impact the road or utility system although it would be expected to generate an increase in truck and vehicle traffic to the industrial site.

MOTION: To approve, subject to staff comments and citing the findings in their report.

WARREN moved, **MARNELL** seconded the motion, and it carried unanimously (11-0).

10. **ZON2001-00062** – BCS Development LLC, Marvin Schellenberg (owner) requests a Zone change from “SF-5” Single-Family to “NO” Neighborhood Office on property described as:

“SF-6” TO “NO”

The east 394.00 feet of the following described tract:

Beginning at the northwest corner of the southwest quarter of Section 5, Township 27 South, Range 1 west of the sixth principal Meridian, Sedgwick County, Kansas; thence east along the north line of the southwest quarter of said section 5, a distance of 909.00 feet; thence south parallel with the west line of said section 5, a distance of 287.2 feet; thence west 909.00 feet to a point in the west line of the southwest quarter of said section 5; thence north 287.52 feet to the point of beginning; containing 2.60 acres +. Generally located on the east side of Maize Road, ½ mile north of 21st street north.

BACKGROUND: The application area consists of a 2.6-acre, unplatted parcel on the east side of Maize Road, ½ mile north of 21st Street North. The undeveloped property is currently zoned “SF-5” Single-Family. The owner/applicant also owns the abutting parcel to the west, recently rezoned to “NR” Neighborhood Retail, and “GO” General Office with a protective overlay requiring a masonry screen wall on the south property line. The applicant requests “NO” Neighborhood Office zoning for the application area, see the attached site plan.

The application area abuts “SF-5” zoned property to the north, east, and south, all developed with single-family residences. Across Maize Road and to the west of the application area is the New Market Square CUP, New Market Square is developed on property zoned “LC” Limited Commercial, and “GO” General Office. To the north of the application area sits the Cadillac Lake floodplain area.

The proposed zone change, from “SF-5” to “NO,” would require platting, and conformance to all property development standards in the Unified Zoning Code, including compatibility setbacks, screening and landscaping. As the application area sits just south of a floodplain area, drainage would have to be addressed at the time of platting. Neighbors south of the application area have complained of flooding at this location.

CASE HISTORY: MAPC and the Wichita City Council approved a zone change for the abutting property to the west in September of 2001. Planning staff had recommended denial because the zone change did not conform to the *1999 Update to the Wichita-Sedgwick County Comprehensive Plan* “Wichita Land Use Guide,” “Office Locational Guidelines,” or “Commercial Locational Guidelines.” The rezoned property is under the same ownership as the application area, it was rezoned from “SF-5” to “NR” and “GO” with a protective overlay requiring a masonry-screen wall along the south property line.

ADJACENT ZONING AND LAND USE:

NORTH:	“SF-5”	single family residence
SOUTH:	“SF-5”	single family residences
EAST:	“SF-5”	single family residences
WEST:	“LC,” “GO”	New Market Square CUP

PUBLIC SERVICES: The application area is located along Maize Road, a five-lane arterial street. A pedestrian/bicycle trail parallels Maize Road to the west of the application area. The traffic count in March of 2001 along this section of Maize Road was 10,679 cars per day (ADTs). The projected traffic volume for 2030 is 14,192 cars per day. No street projects are included in the C.I.P. The undeveloped property currently has no vehicular access. The existing half-width right-of-way for Maize Road is 60 feet.

CONFORMANCE TO PLANS/POLICIES: The “Wichita Land Use Guide” of the *1999 Update to the Wichita-Sedgwick County Comprehensive Plan* identifies the application area as “low density residential.” The “Wichita Land Use Guide” identifies the area just south and east of the application area as “low density residential,” the area to the west across Maize as “commercial,” and the area just north of the application area, the Cadillac Lake flood-plain area, as “parkland/open space.”

“Office Locational Guidelines” of the Comprehensive Plan include (1) being located adjacent to arterial streets; (2) having local, service-oriented offices incorporated within or adjacent to neighborhood and community scale commercial development, and (3) having low-density office use as a transitional land use between residential uses and higher intensity uses.

RECOMMENDATION: The Comprehensive Plan suggests that office uses should be incorporated within or adjacent to retail commercial developments at arterial intersections. This location, separated from the commercial intersection by single-family zoning and single-family use, will not promote the Plan’s concept of mixed-use activity centers where higher traffic-generating uses are clustered so they are more conducive to pedestrian activity and transit service. The application area is at a mid-mile location, the proposed access is too close to the residential collector street to the south for good traffic management, and this proposal would create a dead end street (see the attached site plan). This proposal could be considered more favorably if located at an arterial and collector intersection, not on a dead end street.

This office proposal would not serve as transitional zoning, from higher to lower intensity land uses, as suggested by the Comprehensive Plan, it would simply separate the existing Single-Family zones to the north and south of the application area. Adequate commercial and office zoning exists in the immediate vicinity with the New Market Square CUP across Maize from the application area; likewise, the application area could be developed as zoned with single family residences.

However, because the abutting property to the west has been approved for commercial and office zoning, and because several residential neighbors expressed a desire for office development at the application area (as opposed to housing development, according to the applicant), staff feels that it should work to mitigate the negative effects of this zone change request. Therefore, based upon information available prior to the public hearings, planning staff recommends that the request be **APPROVED** subject to: platting within one year, and a protective overlay requiring a masonry screen wall along the south and east property lines.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The properties surrounding the application area to the north, east, and south are all zoned "SF-5" and developed with single-family residential uses. The abutting property to the west recently received a similar zone change; the current zone change request is in character with the previously approved zone change.
2. The suitability of the subject property for the uses to which it has been restricted: The property is best suited for single-family residences, and could be developed with single-family residences, or other uses permitted in the "SF-5" district. However, the previously approved zone change now makes the application area suitable for office use.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: A change to office zoning would impact the surrounding residences with a change in neighborhood character, property development standards in the Unified Zoning Code, and a masonry screen wall should mitigate negative impacts. A change to office zoning would increase turning movement conflicts on Maize Road onto the proposed dead-end street.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The requested change in zoning classification is not in conformance with the Comprehensive Plan "Wichita Land Use Guide" map, and not in conformance with two of the three office locational guidelines of the plan.
5. Impact of the proposed development on community facilities: A zone change at this mid-block location on Maize Road, onto a dead end street, would increase turning movement conflicts at the mid-block location, and would potentially increase accidents at that location.

MOTION: To approve, subject to staff comments and citing the findings in their report.

HENTZEN moved, **BLAKE** seconded the motion, and it carried unanimously (11-0).

11. Approve FY-2002 Unified Planning Work Program, presentation by Jamsheed Mehta

JAMSHEED MEHTA, Planning staff, presented the Unified Work Program.

ANDERSON asked if any outside people were involved?

MEHTA stated that other outside agencies and staff assisted.

ANDERSON asked if this interfaced with the CIP?

MEHTA said this was staff time, not capital items.

ANDERSON asked if there were significant changes from last year's plan?

MEHTA stated that there were few significant changes.

BISHOP asked for details on "planning emphasis areas" and "environmental streamlining."

MEHTA explained those two items.

HENTZEN asked if this document had an item dealing with the creation of a regional planning commission?

MEHTA said that it did in the sense that it will lead to recommendations regarding the membership comprising the Metropolitan Planning Organization.

ANDERSON asked about funding sources for these activities.

MOTION: To adopt the plan, resolution and certification.

MARNELL moved, **ANDERSON** seconded the motion, and it carried unanimously (11-0).

12. Approve amendments to Transportation Improvement Program, presentation by Jamsheed Mehta

JAMSHEED MEHTA, Planning Staff, presented the staff report.

BISHOP asked about amendments to Transit System financing.

MEHTA directed Bishop to page 51 for a clarification on how the money is budgeted.

WARREN wondered about the status of the I-235 and Kellogg interchange.

GAROFALO asked about 21st and I-135.

ANDERSON asked about money earmarked to the Aviation Museum. He also asked what the financial implications were?

MOTION: To approve.

GAROFALO moved, **COULTER** seconded the motion, and it carried unanimously (11-0).

13. DR2001-15 – Proposed adjustment to Development Application Filing Fees, presentation by Mike Hampel, MAPD Assistant Director.

MIKE HAMPEL, Planning Staff presented the staff report, noting that fees would be increased approximately 10%. Insurance costs, software packages (Mapwise), document imaging, a new position and advertising costs were reasons cited for needing the proposed increase. Warren asked how much is funded by fees?

HAMPEL stated approximately 20%.

ANDERSON asked if this money was already budgeted?

KROUT stated that it was.

ANDERSON stated that this was the worst time to increase fees. The resources are already in place to finance the department, and given everything that is going on in the world this is the worst time to increase costs.

BISHOP stated that she felt it was a user fee and would vote against the motion.

ANDERSON felt that it is important to foster a positive attitude.

MICHAELIS and **WARREN** indicated support for the motion.

WARREN wondered if staff could review the rates to see if the small guy is being hit harder than some larger projects, such as an accessory apartment on 20 acres.

KROUT stated they would review the rate schedule, and that if the fees are not raised, then services will have to be cut.

GAROFALO noted property taxes would have to go up to cover shortages. He also did not see that these increases would stop a project.

HENTZEN stated he agreed with Anderson.

MOTION: To deny the proposed increases in filing fees.

ANDERSON moved, **BLAKE** seconded the motion, and it carried (7-2) (**BISHOP** and **GAROFALO** opposed; **MARNELL & HENTZEN** not present for vote).

14. A 01-15 City of Wichita unilateral annexation of eligible properties generally located north of 21st Street North and west of Hoover Road/consistency with Comprehensive Plan.

MOTION: To find the annexation consistent with the Comprehensive Plan.

WARREN moved, **HENTZEN** seconded the motion, and it carried unanimously (11-0).

15. Approve rescheduling of College Hill Planned Unit Development (PUD2001-02) to November 15, 2001 at 6:00 p.m.

MOTION: To find the annexation consistent with the Comprehensive Plan.

COULTER moved, **GAROFALO** seconded the motion, and it carried unanimously (11-0).

The Metropolitan Area Planning Department informally adjourned at 3:00 p.m.

I, Marvin S. Krout, Secretary of the Wichita-Sedgwick County Metropolitan Area Planning Commission, do hereby certify that the foregoing copy of the minutes of the meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission, held on _____, is a true and correct copy of the minutes officially approved by such Commission.

Given under my hand and official seal this _____ day of _____, 2001.

Marvin S. Krout, Secretary
Wichita-Sedgwick County Metropolitan
Area Planning Commission

(SEAL)